BOMBAY ACT No. XIII of 1933.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1933.]

[*28th September 1933.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act further to amend the City of Bombay Municipal Act, 1888, with a view to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in, the Municipal Corporation of the City of Bombay, on the dissolution of the Board of the said Trustees.

Bom. XVI of 1925. Bom. IV of 1898. WHEREAS the [2]City of Bombay Improvement Trust Transfer Act, 1925, was enacted with a view to transfer to the Municipal Corporation of the City of Bombay the powers of the Board of Trustees for the Improvement of the City of Bombay constituted under the [3]City of Bombay Improvement Act, 1898, and to entrust to the said Corporation, subject to the conditions and limitations specified, the duties of the said Board and to vest in the said Corporation, for the purpose of the improvement of the City of Bombay, the property and rights of the said Board;

Bom. XVI of 1925. And whereas in pursuance of the aforesaid object the duty of carrying out the provisions of the [2]City of Bombay Improvement Trust Transfer Act, 1925, was, subject to the conditions and limitations therein contained, entrusted to the said Corporation as the Board of Trustees for the Improvement of the City of Bombay as a body corporate with perpetual succession and a common seal and certain property and rights were vested in the said Board;

And whereas by section 83 of that Act it was further provided that when the Corporation are satisfied that there is no longer any necessity for the continuance of the Board of Trustees they shall make a representation to Government in that behalf and the Government may, in the manner prescribed in the said section, dissolve the Board;

Bom. III of 1888. And whereas a representation has been made to the Government of Bombay by the said Corporation that the said Board be now dissolved and that legislation may be undertaken to make such amendments as may be necessary in the City of Bombay Municipal Act, 1888, for that purpose;

And whereas it appears to the Government of Bombay that the said Board should now be dissolved and that the powers and duties of the said Board should be transferred to and the property and rights vested in the said Board should be vested in the said Corporation subject to the limitations hereinafter mentioned and that a committee of the said Corporation to be called the Improvements Committee should be constituted in accordance with the provisions of this Act, and subject to the restrictions and conditions hereinafter specified, for the purpose of the improvement of the City of Bombay in the manner hereinafter mentioned;

And whereas it is proposed that certain lands shall be vested in the said Corporation in the manner hereinafter appearing;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Pt. V, pp.155–165; for Report of the Select Committee, *see ibid.*, 1933, Pt. V, pp. 541–552 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1933, Vols. XXXVII and XXXVIII.

[2] Since repealed by Bom. 13 of 1933, Appendix.

[3] Repealed by Bom. 16 of 1925, s. 4.

And whereas the plans of such last mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans ;

And whereas for the purposes aforesaid it is expedient to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing ; Bom. III of 1888.

And whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80A of the Government of India Act, and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act ; It is hereby enacted as follows :— 5 & 6 Geo. V c. 61.

Short title. **1.** This Act may be called the City of Bombay Municipal (Amendment) Act, 1933.

Commencement. **2.** This Act shall come into operation from such date as [1]the Government may, by notification in the [2][*Official Gazette*], appoint.

3–37. [*Amendments made by sections 3–37 have been incorporated in the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).*]

Provision regarding pending cases. **38.** Notwithstanding anything contained in sections 90, 354S, 354T and 354U of the said Act and in section 40 of this Act, in respect of appeals made to the High Court under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which this Act comes into operation, the High Court shall continue to perform the functions assigned to it under the aforesaid Acts and every such appeal shall, so far as may be, be decided in accordance with the provisions of the aforesaid Acts as if this Act had not been passed. Bom. IV of 1898. Bom. XVI of 1925.

Further provision regarding pending references. **39.** All references, moneys, securities, properties, papers, documents, vouchers, books, records and proceedings transferred to the High Court under section 66A of the City of Bombay Improvement Trust Transfer Act, 1925, shall be disposed of by the High Court ,as nearly as may be, in accordance with the provisions of that Act and the provisions of that Act shall, so far as may be, apply to them, as if they had been made, held or controlled in accordance with that Act and as if this Act had not been passed. Bom. XVI of 1925.

Officers and servants of the Board to become municipal officers and servants. **40.** (*1*) From the date on which this Act comes into operation every officer and servant of the Board constituted under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall be deemed to be for all purposes a municipal officer or servant and the designations, grades, salaries, fees and allowances of such officers and servants shall be deemed to have been duly sanctioned under section 79 of the City of Bombay Municipal Act, 1888, and the provisions of the said Act and of any regulations made thereunder relating to municipal officers and servants shall apply to all such officers and servants as if they had been appointed under the said Act : Bom. IV of 1898. Bom. XVI of 1925. Bom. III of 1888.

Provided that such officers and servants shall not be entitled to claim the benefit of any pension or special leave admissible under the pension rules or leave rules of the Corporation.

(*2*) Any officer or servant of the said Board, who has been in the service of the Board for a period of not less than five years before the date on which this Act comes into operation shall be entitled in case of retirement within two years from the date of the passing of this Act, to all the benefits of the rules regarding leave in force at the date of the passing of this Act, and to draw his share of the said Board's contribution to the provident fund.

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[1] The Government means the Provincial Government.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

Leave and provident fund of Chief Officer appointed Deputy Municipal Commissioner (Improvements).

(*3*) The person holding the office of Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (*4*) of section 56A, in all matters of leave and provident fund continue to be governed by the terms and conditions of his appointment as such Chief Officer and be entitled to the benefits thereof.

Bom. XVI of 1925.

(*4*) If the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (*1*) of section 56A, he shall, in all matters of leave and, provident fund, be deemed to have been subject from the date of his appointment as Chief Officer to the rules to which he would have been subject had he been appointed on the said date a Deputy Commissioner under this Act and to be entitled to the benefits thereof.

Transitory provisions.

41. Notwithstanding anything contained in the said Act, the Commissioner, in addition to the sum payable to the Board of Trustees for the Improvement of the City of Bombay under section 84 of the City of Bombay Improvement Trust Transfer Act, 1925, shall in the municipal accounts, under a separate heading, credit to the accounts of the property vested or vesting in the Corporation and of the receipts and expenditure of the Corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, and in the manner prescribed in section 123A of the said Act :—

Bom. XVI of 1925.

Bom. XVI of 1925.

(*i*) a sum equal to the amount of the actual net realizations of the Corporation for the financial year 1932–33 under the head of general tax or payments made in lieu of general tax (including arrears and payments in advance) divided by the rate fixed for the general tax for the said financial year ; and

(*ii*) a sum equal to three-fourths of the net receipts from the tobacco duty levied under section 2 of the Tobacco Duty (Town of Bombay) Act, 1857, from the 19th day of March 1932 until the 31st day of March 1934 (both days inclusive).

IV of 1857.

Repeal.

42. The enactments specified in the Appendix are hereby repealed to the extent mentioned in the fourth column thereof ;

Provided that—

Bom. IV of 1898.

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under the said Acts or under the City of Bombay Improvement Act, 1898 ;

Bom. IV of 1898.

(*b*) the said repeal shall not affect any appeal made to the High Court from any award or any part of the award of the Tribunal of Appeal under sub-section (*11*) of section 48 of the City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation ; but every such appeal shall, so far as may be, be decided by the High Court in accordance with the provisions of the City of Bombay Improvement Act, 1898, as supplemented by Act XIV of 1904 as if this Act had not been passed ;

Bom. IV of 1898.

Bom. IV of 1898. Bom. XVI of 1925.

(*c*) all appointments, rules, orders and by-laws made, notifications and notices issued, rents, premia, and fees imposed, contracts entered into and suits and other proceedings instituted under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall, so far as may be, be deemed to have been respectively made, issued, imposed, entered into and

instituted under the City of Bombay Municipal Act 1888, as amended by this Act; Bom. III of 1888.

(*d*) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board of Trustees constituted under the City of Bombay Improvement Act, 1898, or of the City of Bombay Improvement Trust Transfer Act, 1925, before this Act comes into operation shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Municipal Corporation of the City of Bombay; Bom. IV of 1898. Bom. XVI of 1925.

(*e*) sections 42 to 51 inclusive of the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to have effect, so far as applicable, with respect to all Poorer Classes Accommodation Schemes duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, provided that references in the said sections to the committee and to the Board shall be deemed to be references to the Improvements Committee constituted under the City of Bombay Municipal Act, 1888, as amended by the City of Bombay Municipal (Amendment) Act, 1933, and to the Municipal Corporation of the City of Bombay respectively. Bom. XVI of 1925. Bom. IV of 1898. Bom. XVI of 1925. Bom. III of 1888.

Nothing in this Act shall affect any present right of appeal which may have accrued to any party before the date on which this Act comes into operation.

APPENDIX.

ENACTMENTS REPEALED.

(*See* section 42.)

Year.	No.	Short title.	Extent of repeal.
1898 ..	I	The City of Bombay Municipal Investments Act, 1898.	Sections 2 and 3.
1925 ..	XVI	The City of Bombay Improvement Trust Transfer Act, 1925.	The whole.
1927 ..	IV	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1927.	Do.
1927 ..	V	The City of Bombay Improvement Trust Transfer (Amendment No. 2) Act, 1927.	Do.
1928 ..	VI	The City of Bombay Improvement Trust Transfer (Amendment), Act, 1928.	Do.
1931 ..	XI	The City of Bombay Improvement Trust Transfer (Amendment) Act, 1931.	Do.
1931 ..	XXI	The City of Bombay Municipal and Improvement Trust Transfer (Amendment) Act, 1931.	In section 1 the word "and Improvement Trust Transfer. Section 3.
1931 ..	XXIV	The City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.	The whole.